

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

INDECK KEYSTONE ENERGY LLC,)
Plaintiff,)
v.) Civil Action No. 04-325 Erie
VICTORY ENERGY OPERATIONS) Judge Sean J. McLaughlin
LLC,)
Defendant) JURY TRIAL DEMANDED

DEFENDANT'S MOTION TO EXTEND CASE MANAGEMENT ORDER

Defendant, Victory Energy Operations LLC, by its respective undersigned counsel, requests this Court to extend the Case Management Order in this case, and in support states the following:

1. The Court adopted the parties' Joint Discovery Plan on April 11, 2005. (Docket Entry No. 13) Pursuant to that Joint Discovery Plan, fact discovery was to be completed on or before July 29, 2005.

2. As a result of various discovery disputes that have arisen, the Parties were unable to complete discovery by July 29, 2005.

3. During the hearing on July 15, 2005, the Parties advised the Court of the need for an extension of the discovery and other deadlines in the Joint Discovery Plan. The Court advised that discovery would be extended until October 15, 2005, with the other deadlines to trail that date.

4. Since the hearing, Defendant has produced its documents consistent with the Court's ruling.

5. However, counsel for Defendant has encountered various scheduling problems that will impede the taking of depositions in the near term and necessitate a request for additional time to complete discovery in this action.

6. Specifically, Christopher T. Sheean, lead counsel for Victory Energy Operations LLC changed firms effective August 8, 2005.

7. Moreover, Mr. Sheean is currently scheduled for trial in the cause of Victory Energy Operations LLC v. Graves in the U.S. District Court for the Northern District of Oklahoma beginning September 19, 2005 and continuing for a period of 10 trial days.

8. In addition, Mr. Sheean is scheduled to begin trial in the case of Liesse v. AGA AB in the Circuit Court of Cook County, Illinois on November 17, 2005, a trial that is anticipated to last 3 weeks.

9. In light of the above issues, Defendant hereby requests that the pretrial schedule be amended to the following:

- Fact discovery shall be completed on or before January 13, 2006;
- Expert reports on affirmative claims shall be served on or before January 27, 2006;
- Expert rebuttal reports shall be served on or before February 17, 2006;
- Expert discovery shall be completed on or before March 10, 2006;
- Motions for summary judgment shall be due on or before March 24, 2006;
- Responses to Motions for Summary Judgment shall be due twenty (20) days thereafter;

- Replies in further support of Motions for Summary Judgment shall be due seven (7) days after the response is served;
- If a Motion for Summary Judgment is not filed, Plaintiff's Pre-Trial Statement shall be due on April 7, 2006; and
- If a Motion for Summary Judgment is filed, Defendant's Pre-Trial Statement shall be due on or before April 17, 2006;
- Trial shall occur on _____, 2006.

WHEREFORE, Defendant, requests that this Court Modify the Case Management Order in this case as set forth above.

Respectfully submitted,

/s/ Christopher T. Sheean
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Defendant) JURY TRIAL DEMANDED

ORDER

AND NOW, this _____ day of August, 2005, the Defendant's Motion to Extend Case Management Order is GRANTED, and the following Pre-Trial Dates are Amended, as Follows:

Fact discovery shall be completed on or before January 13, 2006;
Expert reports on affirmative claims shall be served on or before January 27, 2006;
Expert rebuttal reports shall be served on or before February 17, 2006;
Expert discovery shall be completed on or before March 10, 2006;
Motions for summary judgment shall be due on or before March 24, 2006;
Responses to Motions for Summary Judgment shall be due twenty (20) days thereafter;
Replies in further support of Motions for Summary Judgment shall be due seven (7) days after the response is served;
If a Motion for Summary Judgment is not filed, Plaintiff's Pre-Trial Statement shall be due on April 7, 2006; and
If a Motion for Summary Judgment is filed, Defendant's Pre-Trial Statement shall be due on or before April 17, 2006;
Trial shall occur on _____, 2006.

Sean J. McLaughlin
United States District Judge